

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the reissue application of:

Tsuyoshi SHIMA et al.

Patent No. 5,931,011

Issued: August 3, 1999

Serial Number:

Group Art Unit:

Filed: Herewith

Examiner:

For: LOW TEMPERATURE STORAGE CABINET

DECLARATION FOR REISSUE APPLICATION
UNDER 37 C.F.R. 1.175(a)

Commissioner for Patents
Washington, D.C. 20231

Sir:

We, Tsuyoshi SHIMA and Tomio SUYAMA, both citizens of Japan and having post office addresses of 1119-2, Yokota, Yokota-cho, Nita-gun, Shimane-ken and 551, Udani, Kisuki-cho, Ohara-gun, Shimane-ken, respectively, do hereby state and declare that:

1. We are the original first and joint inventors of the invention described in U.S. Patent No. 5,931,011, issued August 3, 1999, and described and claimed in the application for reissue patent filed herewith.

2. We have reviewed and understand the contents of the above identified reissue application for reissue patent, including the claim added therein.

3. We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56 (a).

4. We believe the U.S. Patent No. 5,931,011 is wholly or partly inoperative or

invalid by reason of the patentees failing to claim more or less than the patentees had the right to claim in the patent and/or particularly point out and distinctly claim their invention.

In particular, a basis for the reissue application is that the patentees claimed less than the patentees had the right to claim and new Claim 11 included in the Reissue Application attached hereto recites such subject matter. More particularly, new Claim 11 recites the temperature inside of the cabinet is set to a predetermined standard value by the temperature setting means as provided for at column, 9, line 66 to column 10, line 3 of the patent. New Claim 11 also recites other aspects of the storage cabinet to which the patentees had the right to claim, in particular, that the compressor control means and fan control means are responsive when the inside temperature of the cabinet either rises above or falls below the set predetermined standard value in order to restrain fluctuation of the inside temperature of the cabinet to prevent the preserved foods contained therein from either melting or freezing as well as to automatically reduce the consumption of electric power by the storage cabinet by either increasing or decreasing the rate of operation of the fan in the cabinet in accordance with a difference between the inside temperature of the cabinet and the predetermined standard value. New Claim 11 corrects the error noted above.

5. This error together with all other errors being corrected in this reissue application arose without any deceptive intent on the part of the applicants.

6. We hereby appoint the following attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office in connection therewith:

David T. Nikaido, Registration No. 22,663;

Charles M. Marmelstein, Registration No. 25,895; Robert B. Murray, Registration No. 22,980; George E. Oram, Jr., Registration No. 27,931; Douglas H. Goldhush, Registration No. 33,125; Richard J. Berman 39,107; Murat Ozgu 44,275; Robert K. Carpenter 34,794; Gregory B. Kang 45,273; Lynn A. Anderson 46,412; Rhonda L. Barton 47,271; Hans J. Crosby 44,634; Dinnatia J. Doster 45,268; D. Daniel Dzara 47,543; Laurence J. Edson 44,666; Rustan J. Hill 37,351; Jonathan A. Kidney 46,195; Carl Schaukowitch 29,211; Michael A. Steinberg 43,160; Brian A. Tollefson 46,338; Kevin F. Turner 43,437.

7. All correspondences to be directed to ARENT FOX KINTNER PLOTKIN & KAHN, PLLC, of 1050 Connecticut Avenue NW, Suite 400, Washington D.C. 20036-5339, Telephone Number (202) 857-6000.

The undersigned declare further that all statements made herein are believed to be true and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of first inventor: Tsuyoshi SHIMA

Inventor's signature Tsuyoshi SHIMA Date August 1, 2001

Residence: 1119-2, Yokota, Yokota-cho, Nita-gun, Shimane-ken, Japan

Citizenship: Japanese

Post Office Address: Same as Residence

Full name of second inventor: Tomio SUYAMA

Inventor's signature Tomio Suyama Date August 1, 2001

Residence: 551, Ujiani, Kisuki-cho, Ohara-gun, Shimane-ken, Japan

Citizenship: Japanese

Post Office Address: Same as Residence

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For reissue of Patent No. 5,931,011

For: LOW TEMPERATURE STORAGE CABINET

ASSENT OF ASSIGNEE

Commissioner for Patents
Washington, D.C. 20231

Sir:

Hoshizaki Denki Kabushiki Kaisha, a corporation of Japan, hereby assents to the filing of the attached reissue application of United States Patent No. 5,931,011. Further, Hoshizaki Denki Kabushiki Kaisha certifies that it is the assignee of the entire right, title and interest in United States Patent No. 5,931,011 and in the reissue application therefore by virtue of an assignment from the inventors of the original patent application that matured into said patent. The assignment was recorded in the Patent and Trademark Office at Reel 9469, Frame 0082 on September 17, 1998.

The undersigned (whose title is supplied below) is empowered to sign this paper on behalf of the assignee.

By the provisions of 28 U.S.C. 1746, I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 1, 2001 (date)

HOSHIZAKI DENKI KABUSHIKI KAISHA

By: *Chikai Aoi*

Typed Name: Chikai Aoi

Title: Vice President

Research and Development Center